

CHAPTER 3 CONSUMER RIGHTS AND RESPONSIBILITIES

Secs.	
300	Purpose and Applicability
301	Discrimination
302	Meter Locations
303	Utility Meter Reading Requirements
304	Meters Read by Customers
305	Billing
306	Payments
307	Deposits
308	Use of Consumer's Social Security Number
309	[Reserved]
310	Grounds for Termination
311	Procedures for Termination
312	Personal Contact before Termination
313	Adjustment in the Field
314	Disconnection
315	Restoration of Service
316 - 319	[Reserved]
320	Customer Inquiries and Complaints
321	Publication of Consumer Pamphlet
322	Public Access to Rules and Rates
323	Consumer Services Division
324	Formal Complaints
325	Hearing Procedures
326	Decisions and Appeals
399	Definitions

300 PURPOSE AND APPLICABILITY

- 300.1 The purpose of this chapter is to establish uniform standards for meter reading, billing, security deposits, terminations and reconnections of service and resolution of complaints of residential utility consumers.
- 300.2 This chapter shall apply to residential service provided by the electric, gas, and telephone utilities subject to regulation by the Public Service Commission of the District of Columbia.

AUTHORITY: Unless otherwise noted, the authority for this chapter is Paragraph 97(b) of §8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for fiscal year ending June 30, 1914, approved March 4, 1913, 37 *Stat.* 974, D.C. Code §43-202 (1981 Ed.).

SOURCE: Final Rulemaking published at 25 DCR 10381, 10389 (June 1, 1979).

301 DISCRIMINATION

- 301.1 A utility shall not discriminate against or penalize a consumer or customer for exercising any right granted by this chapter.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10391 (June 1, 1979).

302 METER LOCATIONS

- 302.1 Meters shall be outdoors if possible unless the owner of the property objects or unless extraordinary circumstances prevent it.
- 302.2 When an indoor meter installation is replaced due to modifications in electric service equipment, it shall be relocated outdoors at no additional expense. The cost of connecting the utility's meter to the customer's electric service panel shall remain with the customer.
- 302.3 Whenever a new gas service line is installed or an existing gas service is replaced, the meter shall be placed outdoors at utility cost. Meter relocation and house piping costs incurred for the convenience of the customer shall be at customer expense.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10392 (June 1, 1979).

303 UTILITY METER READING REQUIREMENTS

- 303.1 Gas and electric utilities shall schedule residential meters for reading at regular intervals (monthly for electric utilities and bi-monthly for gas utilities) and read within three (3) days of the schedule date unless it is impossible due to inaccessibility of the meter or extreme weather or other extraordinary conditions.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10391 (June 1, 1979).

304 METERS READ BY CUSTOMERS

- 304.1 Gas utilities shall deliver in person or by mail to each customer a customer's meter reading card in order for the customer to read the meter when the utility is not required to do so pursuant to its tariffs.
- 304.2 Gas and electric utilities shall furnish a customer meter reading card whenever a meter reader is on the premises and cannot make an actual reading.
- 304.3 Any gas and electric utility customer may routinely read his own meter and report the reading to the utility on the postcard form referred to above, so long as the usage is reported accurately and on the schedule specified by the utility.
- 304.4 The utility shall provide the customer with at least six (6) postcard forms upon request. The customer meter reading card rendered by the customer shall be used for billing purposes, except in the following circumstances:

- (a) The reported reading varies significantly from the utility's estimate of usage;
 - (b) The card is not returned timely to the Company; or
 - (c) There has been an actual reading of the meter by the Company.
- 304.5 At least semi-annually, the customer shall provide access to the utility to obtain an actual meter reading in order to verify the accuracy of readings reported in this manner. This subsection shall not prevent a utility from reading meters on a regular basis.
- 304.6 If a utility estimate is used in billing in lieu of the reading on a timely customer meter reading card, the utility shall make an actual meter reading at the customer's request.
- 304.7 All customer meter reading cards shall comply with the following requirements:
- (a) Have the postage prepaid;
 - (b) Indicate the date on which the meter should be read and time within which the card must be returned to the Company; and
 - (c) Contain instructions on how to mark the card.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10391 (June 1, 1979).

305 BILLING

- 305.1 Every utility shall render a bill once during each billing month to every customer in accordance with approved rates, except a telephone utility may render an additional bill whenever total usage exceeds one hundred dollars (\$100.00).
- 305.2 Bills shall be based upon an actual meter reading or customer meter reading except as provided in §305.3.
- 305.3 Each estimated bill shall be clearly and conspicuously identified as such. Each estimated bill may be rendered only by the following methods:
- (a) When a meter is not scheduled to be read and the customer meter reading card delivered to the customer has not been returned to the utility by the return date;
 - (b) When a meter has not been read in accordance with schedule due to the inaccessibility of the meter or extreme weather or other conditions; or
 - (c) When a customer's meter reading varies significantly from the utility's estimate of usage.

- 305.4 Whenever three (3) or more estimated bills have been rendered in succession, the utility shall, at customer request, make an actual reading at a mutually agreeable time.
- 305.5 The date of rendition of a utility bill shall be the date the bill is mailed by the utility.
- 305.6 A utility may bill its customers on a cyclical basis; Provided, that the bill of any particular customer is rendered on or about the same day of each calendar month. A billing rendition date shall not be changed by more than seven (7) days at the initiation of the utility without ten (10) days written notice to the affected customer.
- 305.7 Each bill rendered by a gas or electric utility for residential utility service shall state clearly the following information:
- (a) The beginning and ending meter reading of the billing month;
 - (b) The beginning and ending dates of the billing month;
 - (c) The due date;
 - (d) The previous balance, if any;
 - (e) The amount due for basic utility services, with fuel adjustment or purchased gas charge stated separately;
 - (f) The amount due for other tariffed charges;
 - (g) The amount for non-tariffed charges;
 - (h) The total amount due;
 - (i) The rate at which the fuel adjustment or purchased gas charge is levied;
 - (j) A notation that information shall be mailed on request regarding applicable rate schedules, the operation of the fuel adjustment or purchased gas adjustment clause, and how to calculate the accuracy of the bill;
 - (k) The statement, "Any inquiry or complaint about this bill should be made prior to the due date, in order to avoid late charges";
 - (l) The utility address and telephone number to which an inquiry or complaint should be directed;
 - (m) The statement: "This utility is regulated by the Public Service Commission of the District of Columbia";
 - (n) Whether the bill is based upon an actual meter reading by the utility, a customer meter reading, or an estimate of usage; and

- (o) Any other information as the Public Service Commission may from time to time require.
- 305.8 Each bill rendered by a telephone utility for residential telephone service shall state clearly the following information:
- (a) The beginning and ending dates of the billing month;
 - (b) The due date;
 - (c) The previous balance, if any;
 - (d) The telephone number for which the bill is rendered;
 - (e) The total amount due for local service charges, identified as payment in advance for one month of service;
 - (f) An itemization of all authorized charges for message toll calls including the date (time duration and type), place and telephone number called when available, and the applicable charge;
 - (g) The total amount due for all other authorized charges and telegrams;
 - (h) An itemization of all taxes included in the bill;
 - (i) The total amount due;
 - (j) The utility address and telephone number to which an inquiry or complaint should be directed;
 - (k) The statement that rate schedules for local telephone service are available and shall be mailed upon request; and
 - (l) The statement: "This utility is regulated by the Public Service Commission of the District of Columbia."
- 305.9 Each utility shall render a separate bill for each residential service. An unpaid balance may be transferred from a customer's residential account to the customer's next residential account.
- 305.10 A gas or electric utility may, at the election of a customer, bill a customer in accordance with a level payment billing program. The utility shall inform the customer of this option and explain how the monthly payments are calculated. Prior to implementation of the Plan, the utility shall provide the customer with the following information in writing:
- (a) An acknowledgement that the customer shall be on the Plan effective the next billing period; and
 - (b) The customer's projected use on an annual basis and an explanation of how the equal monthly payment has been calculated.

- 305.11 The utility shall perform a periodic analysis of the customer's plan and notify the customer if actual usage varies significantly from that upon which the plan was based and give the customer an opportunity for revision of the plan.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10393 (June 1, 1979).

306 PAYMENTS

- 306.1 Utility bills shall be due within twenty (20) days after the date they are rendered. The due date shall be stated on the bill. If the due date falls on a non-business day, the due date shall be the next business day.
- 306.2 The date of payment shall be considered as the day the payment is received at the offices of the utility or an authorized collection agent; or the day before payments are removed from the receptacles provided for after-hours collection at the utility's offices; or the third (3rd) day preceding the day when payments are received by mail.
- 306.3 No late payment charge shall be levied on all amounts, including deferred payment installments, paid by the due date, or on amounts in dispute before the Commission. Amounts paid after the due date shall bear a late payment charge of one percent (1%), and an additional late payment charge at the rate of one and one half percent (1 1/2%) on the remaining unpaid balance per billing month thereafter. Telephone bills shall not bear a late payment charge.
- 306.4 Customer payments shall be applied as follows: first to arrears for utility service, oldest item first; next to current utility services; and finally, to other authorized charges, unless the customer designates otherwise.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10397 (June 1, 1979).

307 DEPOSITS

- 307.1 A utility shall not require a cash deposit or guarantee from a person who has never been a customer of the utility.
- 307.2 A utility shall not require a cash deposit or guarantee as a condition of new service to a person who has been a customer of a utility before, except under the following circumstances:
- (a) The service of the customer has been terminated for nonpayment of a delinquent account not in dispute within the previous twelve (12) months;
 - (b) The customer has in an unauthorized manner interfered with or diverted the service of the utility situated or delivered on or about the customer's premises within the twelve (12) months immediately preceding the customer's request for new service; Provided, that the following requirements are met:

- (1) The customer's service was last terminated for this reason and that the utility had so notified the customer in writing to this effect; and
 - (2) The customer either did not file a complaint with the Commission regarding the termination; or if a complaint was filed, final action was taken thereon unfavorable to the customer;
- (c) The customer's account has been delinquent for an excess of forty-five (45) days at least three (3) times within the previous twelve (12) months; or
 - (d) The customer has an outstanding balance due the utility for utility services. In any event, provision of new service may be conditioned upon payment of the outstanding balance.
- 307.3 When a deposit or guarantee is required as a condition of new service to a former customer, he or she shall be notified in writing of the reason therefor, the amount of deposit required, and that it may be paid in installments.
- 307.4 A utility shall not require a cash deposit or guarantee as a condition of continued service to a customer, except under the following circumstances:
 - (a) Utility service at the customer's residence has been interfered with or diverted in an unauthorized manner within the previous twelve (12) months; or
 - (b) The customer's account has been delinquent for an excess of forty-five (45) days at least three (3) times within the previous twelve (12) months.
- 307.5 When a deposit or guarantee is required of a customer with service connected, the customer shall be notified in writing of the reason therefor, the amount of deposit required, the date due (not less than fourteen (14) days from the date of the first written notice), and that it may be paid in installments.
- 307.6 A utility shall not require a cash deposit or guarantee as a condition of new or continued utility service on the basis of credit bureau rating, income level, home ownership, residence location, race, color, creed, sex, age, national origin or any other criterion except those stated in this chapter.
- 307.7 No deposit for utility service shall exceed the lesser of one hundred dollars (\$100) or twice the estimated maximum monthly bill of the customer over twelve (12) months. If the deposit requirement is thirty-five dollars (\$35) or more the deposit may be paid in a minimum of three equal monthly installments with the first installment due prior to reconnection.
- 307.8 Each utility shall be liable for interest on deposits held from the date the deposit is made until the date the deposit has been refunded or until an effort has been made to refund the deposit. Each utility shall pay simple interest on deposits with the rate being established not later than January 15th of each year, equal to the average annual yields of one year Treasury bills for September, October, and November of the preceding year.

- 307.9 Upon termination of service, the deposit with accrued interest shall be credited to any outstanding final bill and any remaining balance shall be returned to the customer.
- 307.10 A deposit and accrued interest shall be refunded promptly by the utility upon satisfactory payment by the customer of all proper charges for utility service for twelve (12) successive months in the case of a gas or electric customer or nine (9) successive months in the case of a telephone customer. Payment shall be satisfactory if the customer's account has not been terminated involuntarily or the customer's account has not been delinquent for an excess of forty-five (45) days at least three (3) times within the previous twelve (12) months. The utility may withhold return of deposit funds pending resolution of any dispute.
- 307.11 A utility shall maintain a record of all deposits, showing the customer's name and address or other identifying data, the amount of the deposit, the date it was paid, and the interest earned and paid thereon.
- 307.12 Each customer posting a deposit shall promptly receive a receipt containing, at a minimum the following information:
- (a) The customer's name;
 - (b) The date of payment;
 - (c) The amount of payment; and
 - (d) Statement of the terms and conditions applicable to deposits.
- 307.13 When a customer is entitled to a return of a deposit it shall be paid upon presentation of proper identification.
- 307.14 In lieu of a cash deposit a utility may accept a written guarantee of payment from a responsible party. A responsible party shall include any customer of the utility whose account has not been delinquent during the preceding twelve (12) months.
- 307.15 The utility shall not require a written payment guarantee from any customer ready, willing and able to make a deposit as authorized by this chapter.
- 307.16 A guarantee shall be in writing on a form approved by the Commission and shall contain the following provisions and conditions unless otherwise agreed to by the utility and guarantor:
- (a) That it is for an initial term of one (1) year;
 - (b) That the guarantor agrees to pay the utility within ten (10) days of demand the balance outstanding in the guaranteed account upon termination of service to the account, up to a maximum equal to the deposit which might have been required. The guarantor shall be liable only for amounts accruing to the account of the customer during the term of the guarantee;

- (c) That, upon failure of the guarantor to satisfy a written demand within ten (10) days, the utility shall include the amount in the guarantor's next monthly billing. In such event, the amount transferred to the guarantor's bill shall be considered to have been incurred in providing service to the guarantor. The guarantor shall have the same right to challenge an account balance as is enjoyed by the customer;
 - (d) That, notwithstanding the terms of such guarantee, the guarantee agreement shall terminate upon satisfactory payment by the customer of all proper charges for utility service for a period of twelve (12) successive months in the case of a gas or electric customer or nine (9) successive months in the case of a residential telephone customer. Payment is satisfactory if the customer's service is not terminated involuntarily, or if the customer's account has not been delinquent for an excess of forty-five (45) days at least three (3) times during the preceding twelve (12) months. The utility may withhold the release of the guarantor pending the resolution of any dispute regarding the customer's account or amounts transferred to the guarantor's account; and
 - (e) Prior to the signing of a guarantee agreement, a utility employee shall explain to the potential guarantor the consequences of the agreement. The utility employee shall obtain written acknowledgement from the guarantor that the oral explanation took place.
- 307.17 The deposit and guarantee provisions of this section shall apply only to those cases in which the utility requests a deposit from a customer on or after the effective date of this chapter.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10398 (June 1, 1979); as amended by Final Rulemaking published at 40 DCR 5589 (July 30, 1993).

308 USE OF CUSTOMER'S SOCIAL SECURITY NUMBER

- 308.1 Upon requesting a customer's social security account number, the utility shall inform the customer that the provision of the number is optional and will not affect the provision of service to that customer.
- 308.2 A customer need not disclose his or her social security account number to the utility to obtain or maintain service.

SOURCE: Final Rulemaking published at 34 DCR 3966 (June 19 1987).

309 [RESERVED]

310 GROUND FOR TERMINATION

310.1 Residential utility service shall not be terminated without the consent of the customer except after proper notice as stated in this chapter and in the following cases:

- (a) Nonpayment of a delinquent account;
- (b) Failure to post a cash security deposit or guarantee of payment as authorized by this chapter;
- (c) Failure to comply with the terms of a deferred payment plan;
- (d) Unauthorized interference with or diversion of utility service on or about the customer's premises;
- (e) Denial of utility access at reasonable times to the customer's premises for the purpose of inspection, meter reading, maintenance or replacement when the utility has requested access in writing; or
- (f) Creation of an unsafe condition or an adverse effect on the integrity of an energy or communication delivery system, or violation of a government regulation or Commission-approved tariff provision.

310.2 None of the following reasons shall constitute a sufficient cause for a utility to terminate residential service:

- (a) Failure to pay for residential utility service at a different location except for unpaid balances transferred from one residential account to another;
- (b) Failure to pay for nonresidential utility service;
- (c) Failure of a customer to pay for merchandise, appliances or services not subject to rates approved by the Commission; or
- (d) Failure to pay an outstanding account of any other person, except where charges have been transferred to the customer's account pursuant to his or her guarantee.

310.3 Whenever the temperature is forecast to be thirty-two (32° F.) degrees Fahrenheit or below during the next twenty-four (24) hours, gas or electric utilities shall not terminate service for non-payment of a delinquent account, failure to post a cash security deposit or guarantee of payment, or failure to comply with the terms of a deferred payment plan.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10404 (June 1, 1979).

311 PROCEDURES FOR TERMINATION

- 311.1 A utility shall postpone the termination of service for a reasonable time not to exceed twenty-one (21) days if the utility is provided with a physician's certificate or notice from a public health official which states that termination would be detrimental to the health and safety of a person occupying the premises; Provided, that the customer enters into a deferred payment plan. The postponement may be extended for additional periods of not more than twenty-one (21) days by renewal of the certificate or notice.
- 311.2 A utility shall not terminate service when a dispute involving the account in question has been docketed at the Public Service Commission; Provided, that payments are made for amounts not in dispute.
- 311.3 A utility shall not terminate residential service unless a written termination notice has been sent to the customer at the billing address by first class mail at least fifteen (15) days prior to the date of proposed termination. When the customer has requested, a duplicate copy of the notice shall be sent by first class mail to a designated third party. The third party assumes no obligation for the customer's account.
- 311.4 Nothing in this section shall preclude a utility from taking immediate action necessary to correct any condition which threatens the safety of the customer, the public or the integrity of the utility's energy system. However, where that corrective action is taken, the utility shall not thereupon discontinue service to any customer whom it believes to be responsible for creation of that condition until it has complied with the notice provisions of this section. The notice and reconnection required by this rule shall not be required in the event that service had been terminated for theft of services or as provided in §310.1(d).
- 311.5 The termination notice shall state the following information:
- (a) The customer's name and address;
 - (b) The address where service is to be discontinued, if different;
 - (c) The reason for the proposed termination of service;
 - (d) The earliest date on which service will be terminated in the absence of payment or adjustment;
 - (e) The telephone number and address of the utility, and an invitation to contact the utility to resolve the matter;
 - (f) The customer's right to a delay in termination of service for medical reasons;
 - (g) The possibility of deferred payments in proper cases;
 - (h) The right of recourse to the PSC, and the availability of representation and assistance by the People's Counsel; and

- (i) In addition to paragraphs (a) through (h), a termination notice issued by a telephone utility, the company shall inform the customer that company-owned telephone equipment is subject to removal ten (10) days after the date of termination and if the equipment is removed the customer will have to reapply for service.
- 311.6 A utility shall not terminate service for the period after 5:00 p.m. Thursday and before 8:00 a.m. Monday, except as provided in §311.7.
- 311.7 A utility may terminate service on Friday or Saturday, if the following applies:
 - (a) The meter is located on the inside of the premises or is otherwise not readily accessible; and
 - (b) The utility has previously and unsuccessfully attempted to gain access to the meter on at least two (2) week days;
- 311.8 Subsections §§311.6 and 311.7 shall not apply to service terminations to abandoned buildings, where the customer has requested disconnection, in circumstances of unsafe conditions or of theft of gas or electricity, or to terminations of telephone service where there is evidence of toll abuse or fraud.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10405 (June 1, 1979); as amended by Final Rulemaking published at 33 DCR 443 (January 24, 1986).

312 PERSONAL CONTACT BEFORE TERMINATION

- 312.1 Actual contact with the customer or at least two (2) attempts shall be required prior to termination as specified in this section.
- 312.2 At least two (2) days before the date set for termination of service, a utility shall make reasonable efforts to contact the customer by telephone to advise of the pending action and what steps shall be taken to avoid termination.
- 312.3 Immediately preceding the physical disconnection of gas or electric service, the representative of the utility designated to perform that function, shall make reasonable effort to identify himself or herself to the customer or other responsible person then on the premises and announce the purpose of his or her presence; a telephone utility shall make a second attempt to contact the consumer.
- 312.4 If prior telephone contact has not been made as provided in §312.2 and the customer or other responsible person is not on the premises, termination of service shall not occur. The field service representative shall leave a notice reasonably calculated to be seen by the person residing in the house in the same manner as the notice required by §314, that service may be discontinued as soon as the next business day unless outstanding bills are paid.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10407 (June 1, 1979).

313 ADJUSTMENT IN THE FIELD

- 313.1 The field service representative shall have a statement of the amount due and inquire whether the bill has been paid. If evidence is presented which reasonably indicates that the bill has been paid, that a Deferred Payment Plan has been developed or that the bill is currently the subject of a pending proceeding before the Public Service Commission, service shall not be terminated.
- 313.2 The field service representative shall be authorized to accept payment. If payment in full of all charges due and owing is tendered, service shall not be terminated. Tender of payment by personal check shall be accepted unless the customer has, within the past twelve (12) months, paid the utility with a check not honored by the bank.
- 313.3 The field service representative shall seek authorization from his or her supervisor to accept partial payments, or to override his or her orders to terminate service upon a reasonable explanation by the customer of the delinquency.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10408 (June 1, 1979).

314 DISCONNECTION

- 314.1 If the actual contact/two attempts requirements is satisfied, the utility may terminate service to a residential customer on the date specified in the notice or within a reasonable time thereafter.
- 314.2 When service is terminated, the employee shall leave a notice reasonably calculated to be seen by persons residing on the premises stating that service has been terminated and the address and telephone number of the utility where the customer may arrange to have service restored. The notice shall also state procedures to be followed where a medical or safety emergency exists on the premises.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10409 (June 1, 1979).

315 RESTORATION OF SERVICE

- 315.1 A utility shall restore service within twenty-four (24) hours of cure of the cause for termination.
- 315.2 The utility may make a charge to the customer for restoration of service in an amount authorized by the Commission.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10410 (June 1, 1979).

316 - 319 [RESERVED]

320 CUSTOMER INQUIRIES AND COMPLAINTS

- 320.1 A utility shall, in accordance with this section, establish procedures which will insure the prompt, efficient, and thorough receipt, investigation and where possible, resolution of all customer inquiries, service requests and complaints regarding residential utility service and charges therefor.
- 320.2 Qualified utility personnel (customer service representatives) shall be available and prepared at all times during normal business hours to receive and discuss all customer inquiries, service requests and complaints. The utility shall make necessary arrangements to insure that foreign language-speaking personnel shall be made available to assist the non-English-speaking public.
- 320.3 Supervisory personnel shall be available during normal business hours to discuss customer complaints that are not resolved through contact with customer service representatives.
- 320.4 Qualified personnel authorized to enter into deferred payment plans on behalf of the utility shall be available during normal business hours.
- 320.5 Qualified personnel shall be available at all times to respond to customer calls regarding interruption or termination of service or emergency conditions.
- 320.6 When a complaint cannot be resolved between the utility and a customer, the utility shall refer the customer to the Commission for resolution.
- 320.7 In every case of dispute between a customer and a utility, the first attempt at resolution shall be made directly between the parties.
- 320.8 When a utility concludes that a bona-fide question exists regarding the correctness of an amount billed, the utility shall adjust the amount due, and shall reflect the adjustment on the next subsequent bill.
- 320.9 A utility and a customer may agree upon a deferred payment plan to pay any amount due the utility. No charges, other than those accrued as of the date of settlement, and no interest shall be charged as part of the deferred payment plan.
- 320.10 A utility shall put in writing every deferred payment plan involving over fifty dollars (\$50.00). The plan shall be kept on file by the utility until it is performed, or, if defaulted, for sixty (60) days from the date of default. A customer may sign a deferred payment plan or agree to a plan over the telephone. In either case, the utility shall offer the customer a copy of the agreement but in any event, shall prior to any agreement inform a customer of the right to resort to the Commission for resolution of any dispute with the utility.
- 320.11 A failure to make a scheduled payment when due is a default and places the account in delinquent status as of the date of default. Late payment charges as described in §306.3 shall apply to any default of a deferred payment plan.

320.12 Unresolved Disputes: When a customer/utility dispute cannot be resolved between the parties, the utility shall refer the customer to the Commission for resolution.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10411 (June 1, 1979).

321 PUBLICATION OF CONSUMER PAMPHLET

321.1 The utilities shall jointly prepare a pamphlet which in layman's terms summarizes the rights and responsibilities of its customers in accordance with these and other applicable rules. The text of the pamphlet is subject to prior Commission approval and to the pre-publication comment by the People's Counsel.

321.2 The pamphlet shall be displayed prominently and be available at every utility location open to the general public.

321.3 Each customer of a utility shall be notified in writing promptly after approval of the pamphlet by the Commission, and at least annually thereafter, that a pamphlet will be mailed upon request at no charge; each new customer shall be offered a pamphlet free of charge.

321.4 The pamphlet shall cover at least the following items:

- (a) Billing procedures and estimation standards;
- (b) Methods for customers to verify billing accuracy;
- (c) Customer's right to have meter tested free of charge once every twelve (12) months;
- (d) Explanation of operation of fuel clauses, if applicable;
- (e) Customer payment standards and procedures;
- (f) Security deposit and guarantee standards;
- (g) Termination and reconnection of service;
- (h) Inquiry, service and complaint procedures;
- (i) Public Service Commission consumer procedures and the availability of assistance and representation by the People's Counsel;
- (j) The availability of deferred payment plans for payment of bills or deposits; and
- (k) Consumer access to information required to be made available to them.

321.5 The cover of the pamphlet shall indicate conspicuously that the pamphlet is provided in accordance with the rules of the Commission and shall indicate in Spanish that a Spanish translation is available on request.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10412 (June 1, 1979).

322 PUBLIC ACCESS TO RULES AND RATES

- 322.1 Every utility shall keep available for free public inspection during normal business hours in every office open to the general public, copies of this chapter, the utilities schedule of rates, and its terms and conditions of service.
- 322.2 Suitable signs shall be posted conspicuously at each location calling attention to the public that the items are available for inspection. Upon request the utility shall provide a copy of this chapter, and advise customers where copies of rate schedules and general service provisions may be obtained.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10413 (June 1, 1979).

323 CONSUMER SERVICES DIVISION

- 323.1 There is established within the Public Service Commission a Consumer Services Division.
- 323.2 The Consumer Services Division shall do the following:
- (a) Answer inquiries regarding residential utility service and of the procedures for resolving disputes;
 - (b) Assist in the informal resolution of customer complaints and disputes which have not been resolved under the utility's own procedures; and
 - (c) Adjudicate customer complaints that cannot be resolved informally.
- 323.3 Any person (including an applicant for utility services and a consumer) may complain to the Commission about the service provided by a utility or a utility bill.
- 323.4 If the complaint addresses a matter which has failed resolution under the utility's procedures, the Consumer Services Division shall docket the matter for resolution, if not, the matter shall be referred to the utility for an attempt at direct resolution.
- 324.5 The utility shall report to the Consumer Services Division as to the results of any referral within seven (7) days. If the complaint is not resolved within that time, the utility will refer the matter back to the Consumer Services Division.
- 323.6 If the Consumer Services Division docket a matter for resolution, it shall notify the utility by telephone, investigate the matter and attempt through mediation, to resolve it informally.
- 323.7 If a matter cannot be resolved informally with Consumer Services Division intervention (for example, by adjustment or deferred payment plan) within three (3) working days, the complainant shall be notified in writing and invited to file a formal complaint.

323.8 The notification shall state the following:

- (a) If a formal complaint is not filed within fourteen (14) days of the date of mailing, the matter shall be dropped;
- (b) The availability of assistance and representation by People's Counsel; and
- (c) Set forth the Commission complaint procedures.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10415 (June 1, 1979).

324 FORMAL COMPLAINTS

324.1 A formal complaint shall be in writing, signed by the complainant on a form provided by the Consumer Services Division. A member of the Consumer Services Division or designee authorized by the consumer may assist in filling out a complaint.

324.2 If review discloses that the complaint should be revised to more clearly or fairly set forth the matters at issue, the complainant shall be advised and offered assistance to amend the complaint.

324.3 The Consumer Services Division shall advise the affected utility by telephone whenever a formal complaint is filed, and mail a copy of the complaint to the utility.

324.4 A written response to the complaint shall be returned within seven (7) days from the date of notice, setting forth the utility's position with respect to the allegations contained in the complaint.

324.5 A copy of the complaint shall be forwarded to any guarantor of the account in controversy.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10417 (June 1, 1979).

325 HEARING PROCEDURES

325.1 A hearing shall commence within fifteen (15) days of the filing of the complaint. Except in special cases, hearings shall be held during business hours of the Commission. The Commission shall designate a competent hearing officer, who shall not have investigated the complaint.

325.2 The Consumer Services Division shall provide notice of hearing by personal delivery or by first class mail to the customer, to any affected guarantor, and to the utility. The notice shall also state the potential consequences of failure to appear for a hearing.

325.3 Service shall be made at least eight (8) days prior to the hearing date unless the parties agree on a shorter time. When service is by mail, the service date is the

date of mailing and service shall be made at least ten (10) days prior to the hearing date.

- 325.4 The hearing officer may reschedule any hearing to a date, time or place agreed upon by the parties, or, upon notice and for good cause shown, at the request of any party.
- 325.5 In the event the complainant fails to attend a scheduled hearing without good cause, the hearing officer may dismiss the complaint, hear evidence and render decision, or reschedule the hearing within ten (10) days.
- 325.6 In the event a utility fails to attend a scheduled hearing without good cause, the hearing officer may hear evidence and render a decision.
- 325.7 In the event a guarantor fails to attend a scheduled hearing, without good cause, he or she is precluded from contesting any matter which was raised at the hearing.
- 325.8 Upon a reasonable request from each other or the Consumer Services Division, the parties shall timely provide all information they have relevant to the matters at issue in the complaint, including relevant documents, account data, files and the names of witnesses.
- 325.9 Parties may examine any relevant records of the Commission.
- 325.10 Parties may represent themselves or be represented by counsel or any other person of their choice.
- 325.11 If it appears to the hearing officer that a party appearing without an attorney should be represented by an attorney, the hearing officer shall suggest it and allow a reasonable time to obtain one.
- 325.12 Parties shall have the right to present evidence, call witnesses, and present written and oral argument.
- 325.13 Witnesses shall testify under oath, and the parties and the hearing officer shall have the right to examine and cross-examine all witnesses.
- 325.14 The hearing officer shall have the discretion to limit any line of questioning and to limit the time for argument.
- 325.15 Unless otherwise ordered by the hearing officer, the utility's witnesses shall testify first, followed by the complainant's witnesses. A reasonable opportunity will be afforded all parties to present rebuttal evidence.
- 325.16 After the parties have completed their presentations of evidence, the hearing officer may call upon any witness for testimony upon any issue.
- 325.17 The hearing officer has the obligation, especially when the consumer is not represented by counsel, to insure that all material facts are developed to the

fullest extent consistent with his or her responsibility to preside impartially over the hearing

325.18 The formal rules of evidence shall not apply, but the hearing officer shall exclude irrelevant or unduly repetitious evidence.

325.19 Parties may stipulate to any facts and such stipulation may be put in evidence.

325.20 All proceedings shall be recorded. The transcriptions shall promptly be made available to any party upon request, at the party's expense. Every Commission prepared transcript shall be certified by the hearing officer. Any party may, at its expense, provide for transcription of the proceedings by a certified court reporter in lieu of recording, in which case, that transcription shall be the official record.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10417 (June 1, 1979).

326 DECISIONS AND APPEALS

326.1 Within fourteen (14) days after the close of the hearing, the hearing officer shall issue a written decision which states the issues, summarizes the evidence and makes findings of fact, conclusions of law, and a proposed disposition of the matter.

326.2 In cases involving billing disputes in which the hearing officer has concluded that all or part of the amount in dispute is owed, the hearing officer may, for good cause stated in the decision, direct that the amount found outstanding be paid in installments.

326.3 Copies of the hearing officer's decision shall be served upon the parties either personally or by regular mail on the day the decision is issued together with instructions on how to appeal the decision to the Commission and indicating the last date the appeal may be filed.

326.4 The decision of the hearing officer shall be final, if there is no appeal to the Commission within the time specified.

326.5 Any party may appeal the hearing officer's decision to the Commission within ten (10) days of personal service and twelve (12) days of service by mail of the decision.

326.6 The appeal shall be signed by the party, identify the decision appealed from, and specify the grounds on which it is based.

326.7 The Executive Secretary shall serve a copy of any appeal filed upon the opposing party on the day it is filed. Service may be made personally or by first class mail.

326.8 The opposing party response or counter-appeal shall be filed within five (5) days of personal service and seven (7) days of service by mail.

326.9 Within six (6) days of the filing an appeal, the record shall be prepared for review by the members of the Commission.

- 326.10 The Commission shall review and rule on the the decision within thirty (30) days after the record is prepared.
- 326.11 Upon review of the record, and after giving consideration to the matters raised on appeal, the Commission shall do the following:
- (a) Adopt the decision of the hearing officer;
 - (b) Issue a Commission decision;
 - (c) Return the matter to the hearing officer for further proceedings; or
 - (d) Schedule the matter for hearing or argument before the Commission.
- 326.12 Review of a final Commission decision shall be pursuant to D.C. Code §43-904, 43-905 (1981 Ed.).
- 326.13 A utility shall not disclose information which reveals the status of the account of any individual customer without the customer's consent or upon dictate of lawful authority. A utility may rely upon the representation, oral or written, of Commission or People's Counsel staff that consent has been granted.
- 326.14 Every utility shall make available for inspection by the staff of the Public Service Commission detailed information concerning the following:
- (a) The payment performance of its customers in relation to established due and payable periods;
 - (b) The number and general description of all complaints registered with the utility;
 - (c) The number of involuntary termination notices issued by the utility and the reasons therefor;
 - (d) The number of written deferred payment agreements entered into by the utility and a synopsis of the terms, conditions and standards upon which the deferred payment agreements were entered into; and
 - (e) The actual number of involuntary terminations of service and the number of reconnections.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10411 (June 1, 1979); as amended by Final Rulemaking published at 32 DCR 7497 (December 20, 1985).

399 DEFINITIONS

- 399.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

Billing Month - the utility service period of twenty-six (26) to thirty-five (35) days.

Consumer - a user of residential utility service.

Consumer Services Division - the staff of the Commission designated to perform responsibilities in accordance with this chapter.

Customer - a purchaser of residential utility service.

Cycle Billing - a system in which bills are rendered to different customers on different days of the month.

Deferred Payment Agreement - an agreement whereby a customer pays a delinquent account on an installment basis while service continues.

Delinquent Account - an account that is unpaid twenty-one (21) days or more after the bill is rendered.

Estimated Bill - a gas or electric bill for utility service which is not based on a meter reading by the utility or customer.

Fuel Adjustment Charge (FAC) - the provision in the electric utility's rate schedule that provides for a charge on the bill for the net cost of fuel and interchange transaction per kilowatt hour of total energy sales which may vary from month to month.

Purchased Gas Adjustment (PGA) - the provision in a gas company's rate schedule which permits the adjustment of the amount of the bill as the cost of gas varies from a specified base amount per unit.

Residential Service - gas or electric service to a separately metered household, and including gas service to not over three families served by a single meter in a multiple-family dwelling, or portion thereof; telephone service to an individual, family or group for nonbusiness purposes.

SOURCE: Final Rulemaking published at 25 DCR 10381, 10389 (June 1, 1979).

